

ment transportation is not reasonably available, considering the nature of the personal emergency involved", and substituted "The cost of transportation authorized under this section for a member, or the dependents of a member, may not exceed the cost of Government-procured commercial air travel between the applicable locations described in subsection (b) of this section" for "The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member's place of temporary duty (or from his ship or unit) to the member's permanent duty station (or the home port of the ship or unit), and return (if applicable)".

Subsec. (d). Pub. L. 98-525 added subsec. (d).

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 612(b) of Pub. L. 98-525 provided that: "The amendment made by subsection (a)(1) [amending this section] shall apply with respect to transportation begun after September 30, 1984."

### **§ 411e. Travel and transportation allowances: transportation incident to certain emergencies for members performing temporary duty**

(a) Under uniform regulations prescribed by the Secretaries concerned, a member of a uniformed service who is performing temporary duty away from his permanent duty station (or who is assigned to a ship or unit operating away from its home port) may be provided the travel and transportation authorized by section 404 of this title for travel performed by the member from his place of temporary duty (or from his ship or unit) to his permanent duty station (or the home port of the ship or unit) or to any other location, and return (if applicable), if such travel has been approved incident to a personal emergency of the member.

(b) Transportation under this section may be authorized only upon a determination that Government transportation is not reasonably available, considering the nature of the personal emergency involved. The cost of transportation authorized under this section may not exceed the cost of Government-procured commercial air travel from the member's place of temporary duty (or from his ship or unit) to the member's permanent duty station (or the home port of the ship or unit), and return (if applicable).

(Added Pub. L. 97-60, title I, § 126(a), Oct. 14, 1981, 95 Stat. 1004; amended Pub. L. 100-456, div. A, title VI, § 623(a), Sept. 29, 1988, 102 Stat. 1984.)

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 substituted "incident to a personal emergency of the member" for "incident to the serious illness or injury or the death of a dependent of the member".

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 623(b) of Pub. L. 100-456 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to travel performed after September 30, 1988."

### **§ 411f. Travel and transportation allowances: transportation for survivors of deceased member to attend the member's burial ceremonies**

(a) ALLOWANCES AUTHORIZED.—(1) The Secretary concerned may provide round trip travel

and transportation allowances to eligible relatives of a member of the uniformed services who dies while on active duty or inactive duty in order that the eligible relatives may attend the burial ceremony of the deceased member.

(2) The Secretary concerned may also provide round trip travel and transportation allowances to an attendant who accompanies an eligible relative provided travel and transportation allowances under paragraph (1) for travel to the burial ceremony if the Secretary concerned determines that—

(A) the accompanied eligible relative is unable to travel unattended because of age, physical condition, or other justifiable reason; and

(B) there is no other eligible relative of the deceased member traveling to the burial ceremony who is eligible for travel and transportation allowances under paragraph (1) and is qualified to serve as the attendant.

(b) LIMITATIONS.—(1) Except as provided in paragraphs (2) and (3), allowances under subsection (a) are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for two days and the time necessary for such travel.

(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under subsection (a) may be provided to and from such place and may not exceed the rates for two days and the time necessary for such travel.

(3) If a deceased member is interred in a cemetery maintained by the American Battle Monuments Commission, the travel and transportation allowances authorized under subsection (a) may be provided to and from such cemetery and may not exceed the rates for two days and the time necessary for such travel.

(c) ELIGIBLE RELATIVES.—(1) The following members of the family of a deceased member of the uniformed services are eligible for the travel and transportation allowances under subsection (a)(1):

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The unmarried child or children of the deceased member referred to in section 401(a)(2) of this title.

(C) If no person described in subparagraph (A) or (B) is provided travel and transportation allowances under subsection (a)(1), the parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

(2) If no person described in paragraph (1) is provided travel and transportation allowances under subsection (a)(1), the travel and transportation allowances may be provided to—

(A) the person who directs the disposition of the remains of the deceased member under section 1482(c) of title 10, or, in the case of a deceased member whose remains are commingled and buried in a common grave in a national cemetery, the person who would have been designated under such section to direct the disposition of the remains if individual identification had been made; and

(B) up to two additional persons closely related to the deceased member who are selected by the person referred to in subparagraph (A).

(d) EXPANDED ALLOWANCES RELATED TO RECOVERY OF REMAINS FROM VIETNAM CONFLICT.—(1) The Secretary of Defense may provide round trip travel and transportation allowances for the family of a deceased member of the armed forces who died while classified as a prisoner of war or as missing in action during the Vietnam conflict and whose remains are returned to the United States in order that the family members may attend the burial ceremony of the deceased member.

(2) The allowances under paragraph (1) shall include round trip transportation from the places of residence of such family members to the burial ceremony and such living expenses and other allowances as the Secretary of Defense considers appropriate.

(3) For purposes of paragraph (1), eligible family members of the deceased member of the armed forces include the following:

(A) The surviving spouse (including a remarried surviving spouse) of the deceased member.

(B) The child or children, including children described in section 401(b)(1) of this title, of the deceased member.

(C) The parent or parents of the deceased member (as defined in section 401(b)(2) of this title).

(D) If no person described in subparagraph (A), (B), or (C) is provided travel and transportation allowances under paragraph (1), any brothers, sisters, halfbrothers, halvesisters, stepbrothers, and stepsisters of the deceased member.

(e) BURIAL CEREMONY DEFINED.—In this section, the term “burial ceremony” includes the following:

(1) An interment of casketed or cremated remains.

(2) A placement of cremated remains in a columbarium.

(3) A memorial service for which reimbursement is authorized under section 1482(d)(2) of title 10.

(4) A burial of commingled remains that cannot be individually identified in a common grave in a national cemetery.

(f) REGULATIONS.—The Secretaries concerned shall prescribe uniform regulations to carry out this section.

(Added Pub. L. 99-145, title VI, § 620(a)(1), Nov. 8, 1985, 99 Stat. 642; amended Pub. L. 100-456, div. A, title VI, § 632(b), Sept. 29, 1988, 102 Stat. 1986; Pub. L. 103-35, title II, § 204(a)(2), May 31, 1993, 107 Stat. 102; Pub. L. 107-107, div. A, title VI, § 638(a), Dec. 28, 2001, 115 Stat. 1146.)

#### AMENDMENTS

2001—Pub. L. 107-107 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows:

“(a) Under uniform regulations prescribed by the Secretaries concerned, round trip travel and transportation allowances may be provided the dependents of a member who dies while on active duty or inactive duty in order that such dependents may attend the burial ceremonies of the deceased member.

“(b)(1) Except as provided in paragraph (2), allowances under this section are limited to travel and transportation to a location in the United States, Puerto Rico, and the possessions of the United States and may not exceed the rates for 2 days.

“(2) If a deceased member was ordered or called to active duty from a place outside the United States, Puerto Rico, or the possessions of the United States, the allowances authorized under this section may be provided to and from such place and may be extended to accommodate the time necessary for such travel.

“(c) In this section, the term ‘dependents’ includes the dependents specified in paragraphs (1) and (2) of section 401(a) of this title. However, if no person qualifies under such paragraphs, the parents of a member (including stepparent or parent by adoption, or any person, including a former stepparent, who has stood in loco parentis to the member at any time for a continuous period of at least 5 years before the member became 21 years of age) may be paid the travel and transportation allowances authorized under this section.”

1993—Subsec. (c). Pub. L. 103-35 substituted “section 401(a) of this title” for “section 401 of this title”.

1988—Subsec. (a). Pub. L. 100-456 substituted “or inactive duty in order that such dependents may” for “for a period of 30 days or more in order to”.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-107, div. A, title VI, § 638(c), Dec. 28, 2001, 115 Stat. 1148, provided that: “Section 411f of title 37, United States Code, as amended by subsection (a), shall apply with respect to burial ceremonies of deceased members of the uniformed services that occur on or after the date of the enactment of this Act [Dec. 28, 2001].”

#### EFFECTIVE DATE OF 1988 AMENDMENT

Section 632(c) of Pub. L. 100-456 provided that: “The amendments made by this section [amending this section and section 411h of this title] shall take effect on October 1, 1988.”

#### EFFECTIVE DATE

Section 620(b) of Pub. L. 99-145 provided that: “The travel and transportation allowance authorized by the amendments made by this section [enacting this section] is payable only for travel that commences after September 30, 1985.”

### § 411g. Travel and transportation allowances: transportation incident to voluntary extensions of overseas tours of duty

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service who—

(1) is stationed outside the United States; and

(2) voluntarily agrees to extend his overseas tour of duty for a period equal to at least one-half of the overseas tour prescribed for his permanent duty station;

may be paid the transportation allowance described in subsection (b) for himself and each dependent who is authorized to, and does, accompany him.

(b) The transportation allowance authorized by subsection (a) is an allowance provided—

(1) in connection with authorized leave; and

(2) for the cost of transportation—  
(A) from a member's permanent duty station to a place approved by the Secretary concerned and from that place to his permanent duty station; or

(B) from a member's permanent duty station to a place no farther distant than his